



Order Filed on February 19, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorneys for Eric R. Perkins, Chapter 7 Trustee

In Re:

J. SCROFANI CONSTRUCTION CORP.,

Debtor.

Chapter 7

Case No. 17-19984-RG

Judge: Hon. Rosemary Gambardella

**FOURTH CONSENT ORDER TOLLING THE STATUTE OF LIMITATIONS  
FOR THE TRUSTEE TO BRING CLAIMS AGAINST CERTAIN PARTIES**

The relief set forth on the following pages, numbered two (2) through four (4), be and is hereby agreed upon and **ORDERED**

**DATED: February 19, 2020**

A handwritten signature in cursive script that reads "Rosemary Gambardella".  
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Honorable Rosemary Gambardella  
United States Bankruptcy Judge

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Debtor: J. Scrofani Construction Corp.  
Case No. 17-19984-RG  
Caption Fourth Consent Order Tolling the Statute of Limitations for the Trustee to Bring Claims against Certain Parties

**THIS MATTER**, having been brought before the Court upon the application of Eric R. Perkins (the “Trustee”), the chapter 7 trustee for J. Scrofani Construction Corp. (the “Debtor”), by and through his attorneys, Fox Rothschild LLP, for the entry of the within consent order tolling the statute of limitations for the Trustee to bring claims against certain parties, and

**WHEREAS**, on May 15, 2017, the Debtor filed a voluntary petition for relief under chapter 7 of the United States Bankruptcy Code; and

**WHEREAS**, on May 16, 2017, the Office of the United States Trustee appointed the Trustee to administer the Debtor’s estate; and

**WHEREAS**, the Trustee believes that he may assert valid claims under chapter 5 of the Bankruptcy Code and common law against Lexus Scrofani, who is the adult daughter of the Debtor’s former president and owner, John Scrofani.

**WHEREAS**, the statute of limitations for the Trustee to bring claims against Lexus Scrofani pursuant to 11 U.S.C. § 546(a) originally ran through May 15, 2019; and

**WHEREAS**, pursuant to a series of consent orders agreed to by the Trustee and Lexus Scrofani, the most recent of which was entered on November 20, 2019, the statute of limitations for the Trustee to bring claims against Lexus Scrofani under 11 U.S.C. § 546(a) and other statutes of limitations that may expire in the interim was tolled to February 10, 2020; and

**WHEREAS**, the Trustee continues to have discussions with John Scrofani regarding a potential settlement that may include a resolution of the Trustee’s claims against Lexus Scrofani; and

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**WHEREAS**, the parties, as evidenced by their or their authorized representatives' subscribed consents hereto, have agreed to toll the deadlines for the Trustee to bring claims against the Lexus Scrofani by a period of approximately ninety (90) days to May 11, 2020;<sup>1</sup>

**NOW THEREFORE**, in light of the foregoing, and for good cause shown, it is hereby

**ORDERED** that the time for the Trustee to file complaints against Lexus Scrofani under 11 U.S.C. § 546(a) is hereby tolled to and through May 11, 2020; and it is further

**ORDERED** that any other applicable statute of limitations for the Trustee to bring claims against Lexus Scrofani that may expire between the date hereof and May 11, 2020, or that would have expired between May 15, 2019 and the date hereof, is hereby extended to and through May 11, 2020; and it is further

**ORDERED** that nothing herein shall prejudice the Trustee's right to seek additional relief from the Court further extending any applicable statute of limitations for the Trustee to bring claims against Lexus Scrofani; and it is further

**ORDERED** that nothing in this Order shall be deemed as an admission by any party as to the merits of any claim brought by the Trustee or any defenses asserted by Lexus Scrofani.

Each of the parties, either on behalf of themselves or through their undersigned counsel or authorized representative, hereby consents to the form, substance, and entry of the foregoing order:

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<sup>1</sup> Exactly ninety days is May 10, 2020, which is a Sunday.

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ERIC R. PERKINS, CHAPTER 7 TRUSTEE

By: /s/Michael R. Herz  
Michael R. Herz  
Fox Rothschild LLP  
Attorneys for Chapter 7 Trustee

Date: February 10, 2020

LEXUS SCROFANI

By: /s/ Lexus Scrofani

Date: February 10, 2020